

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DERRICK WHEATT, ET AL.,)	CASE NO: 1:17-CV-377
)	
Plaintiffs,)	JUDGE JAMES S. GWIN
)	
vs.)	
)	
CITY OF EAST CLEVELAND, ET)	
AL.,)	
)	<u>MOTION FOR LEAVE TO</u>
Defendants.)	<u>WITHDRAW AS COUNSEL</u>

Pursuant to Local Rule 83.9, Attorneys Thomas M. Hanculak and Mark V. Guidetti of Diemert & Associates Co., L.P.A hereby respectfully request that this Honorable Court enter an Order granting attorneys Hanculak and Guidetti leave to withdraw as counsel for Defendants Michael C. Perry, Vincent K. Johnstone, D.J. Miklovich, Charles Teel, John C. Bradford, and Terrence Dunn (“Defendants”) in the above-captioned matter.

Attorneys Hanculak and Guidetti filed a Motion for Leave to Plead for said Defendants in an abundance of caution so as to allow counsel for Defendant the City of East Cleveland to confirm their duty to defend the above Defendants. Since that time, Willa M. Hemmons, Esq., Law Director for the City of East Cleveland has done so, and filed a response to the Plaintiffs’ Complaint on behalf of these Defendants. (See Doc #: 14, filed 03/21/17; Doc # 19, filed 3/28/17). As such, said Defendants are being represented by counselor Hemmons in this matter.

Local Rule 83.9, “Withdrawal of Counsel,” provides that:

The attorney of record may not withdraw, nor may any other attorney file an appearance as a substitute for the attorney of record, without first providing written notice to the client and all other parties and obtaining leave of Court. Attorneys from the same firm may file and serve a notice of appearance or substitution for the attorney of record without obtaining leave of Court.

Such notice has been provided to counsel in this matter, as well as Defendants. As such, Attorneys Hanculak and Guidetti respectfully request the Court to grant them leave to withdraw as counsel for Defendants in this matter.

Respectfully submitted,

/s/ Mark V. Guidetti

THOMAS M. HANCULAK (0006985)

MARK V. GUIDETTI (0084175)

Diemert & Associates Co., L.P.A.

1360 SOM Center Rd, Cleveland, OH 44124

P: (440) 442-6800

F: (440) 442-0825

E: receptionist@diemertlaw.com

On behalf of Defendants

Michael C. Perry, Vincent K. Johnstone, D.J.

*Miklovich, Charles Teel, John C. Bradford, and
Terrence Dunn*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via the Court's electronic filing system on this 28th day of March, 2017 upon all counsel of record.

/s/ Mark V. Guidetti

THOMAS M. HANCULAK (0006985)

MARK V. GUIDETTI (0084175)

On behalf of Defendants

Michael C. Perry, Vincent K. Johnstone, D.J.

*Miklovich, Charles Teel, John C. Bradford, and
Terrence Dunn*